

REMARKS

This Amendment is in response to the Office Action mailed January 14, 2004, having a three (3) month shortened statutory period for reply. A Petition for a One Month Extension of Time in accordance with 37 C.F.R. §§1.136(a) and 1.17(a) is submitted herewith.

Claims 1, 12, and 14 to 23 are pending, claims 22-23 are amended, and claims 2-11, 13 and 24 are cancelled in the present application.

Attached herewith is an Information Disclosure Statement Under 37 C.F.R. § 1.97(b).

Applicants requests consideration and entry into the record of the following amendments and remarks.

Claim Amendments

In the interest of advancing prosecution, claims of the present application have been amended for the sake of clarification or to correct inadvertent typographical errors made therein.

For example, claims 22 and 23 now are amended to eliminate an improper dependency to a compound of formula (IA) as defined in cancelled claim 2, and now defines "a compound of formula (IA) or a pharmaceutically acceptable derivative thereof which is a compound of formula (I) as defined in claim 1 wherein R³ is other than (C₁₋₆)alkoxycarbonyl; optionally substituted aminocarbonyl, CN or COOH, or a pharmaceutically acceptable derivative thereof, and a pharmaceutically acceptable carrier (support is found in the specification at page 6, lines 8-14 and claim 14)."

All claim amendments are reflected in the Listing of Claims section (see, pages 2 to 9).

No new matter has been added to the claims or specification by the amendment. Support for all amendments are found in the originally filed claims and specification.

Rejection Under 35 U.S.C. §101

Claim 24 is rejected under 35 U.S.C. §101 as the claimed invention is directed to non-statutory matter and is not being examined on the merits.

The Examiner indicates that the phrase "use of" in claim 24 is not acceptable language.

Applicants' have cancelled claim 24 from the present application.

In light of the above, applicants request that the above rejection under 35 U.S.C. § 101 be withdrawn.

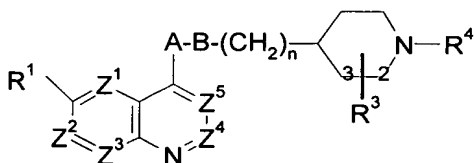
Rejection Under 35 U.S.C. §102 (a)

Claim 23 is rejected under 35 U.S.C. §102(a) as anticipated by French Patent No. 2560873 to Renault et al. ("Renault").

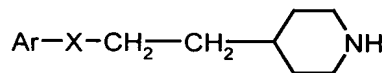
The Examiner states that Renault teaches piperidine derivatives and corresponding therapeutic uses and compositions. The Examiner further states that Renault teaches a piperidine derivative, 1-[2-(1,1-dimethylethyl)-4-quinazolinyl]-3,4-piperidiny]-1-propanone], that reads on the claimed invention, where the R group is 4-quinazolinyl, and that the aforementioned compound may be formulated into a composition.

Applicants respectfully traverse the Examiner's rejection.

Renault does not disclose compounds or compositions of the present invention. Renault fails to teach each and element of the claimed invention as it discloses a different generic compound structure with different functional group substituents in different substituent positions when compared with generic Formula (I) defined for the claimed invention:



Applicants' Formula (I)



Renault Formula (I)

In particular, applicants compounds of Formula (I), have a R^4 substituent attached to the nitrogen position of the piperidine ring, where **R^4 is a $-CH_2R^5$ group and where $R^4 \neq H$** (i.e., see specification where R^5 is defined at page 3, lines 7-18 and specific examples of R^4 and R^5 are defined at page 5, lines 8-16). In contrast, Renault discloses only compounds, where the nitrogen position of the piperidine ring is substituted always with a hydrogen substituent (i.e., **$R^4 = H$ in Renault**; also see, Renault abstract at page 1). Renault does not teach that the piperidine at the nitrogen positions can be substituted with other functional group substituents, such as alkyl, as in applicants' claimed invention.

As the piperidine derivative, 1-[2-(1,1-dimethylethyl)-4-quinazolinyl]-3,(4-piperidinyl)-1-propanone], noted by the Examiner does not read on applicants' claimed invention, it cannot be formulated into a corresponding composition that reads on the applicants' claimed invention.

Therefore, Renault does not anticipate the claimed invention.

In light of the above, applicants request that the above rejection under 35 U.S.C. § 102 (a) be withdrawn.

Allowable Subject Matter

Claims 1-22 are indicated to be allowable by the Examiner.

Applicants thank the Examiner for noting in the January 14, 2004 Office Action that allowable subject matter is found in claims 1-22 of the present invention. However, claims 1, 12, and 14 to 23 are pending and claims 2-11, 13 and 24 are cancelled in the present application. Therefore, claims 1, 12 and 14-22 contain allowable subject matter.

Applicants believe that all pending claims 1, 12, and 14 to 23 now are in condition for allowance and is earnestly solicited.

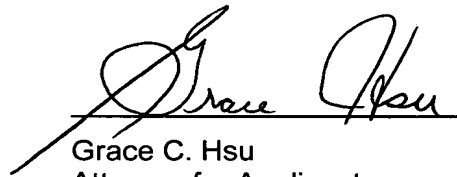
CONCLUSION

In view of the above amendments and remarks, applicants believe that the claims of the present application are in condition for allowance and is earnestly solicited .

If any additional fees or charges are required authorization is hereby granted to charge any necessary fees to Deposit Account No. 19-2570 accordingly.

Should the Examiner have any questions or wish to discuss any aspect of this case, the Examiner is encouraged to call the undersigned attorney at the number below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Grace Hsu", is written over a horizontal line.

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